

RESOLUTION NO. A-_____

USE PERMIT NO. 04006A

1 WHEREAS, Rembolt Development has submitted an application in accordance
2 with Sections 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 04006A to
3 reduce the rear yard setback on property generally located at West Highlands Blvd. and N.W.
4 1st, and legally described as:

5 Lots 1 - 8, Block 1, and Lots 1 - 10, Block 2, Baron's Ridge 1st
6 Addition, Lincoln, Lancaster County, Nebraska;

7 WHEREAS, the real property adjacent to the area included within the site plan for
8 this amendment to the development within the use permit will not be adversely affected; and

9 WHEREAS, said site plan together with the terms and conditions hereinafter set
10 forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to
11 promote the public health, safety, and general welfare.

12 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
13 Lincoln, Nebraska:

14 That the application of Rembolt Development, hereinafter referred to as
15 "Permittee", to reduce the rear yard setbacks, on the property legally described above be and
16 the same is hereby granted under the provisions of Section 27.27.080 of the Lincoln Municipal
17 Code upon condition that construction and operation of said development be in strict
18 compliance with said application, the site plan, and the following additional express terms,
19 conditions, and requirements:

20 1. This approval permits 18 dwelling units and 11,800 square feet of office with
21 variances to the rear yard setbacks from 30' to 25' for Lots 1-10, Block 2 and from 30' to 20' for
22 Lots 1-8, Block 1. All previous waivers approved by Use Permit #04006 remain in effect.

23 2. Final plats within the area of this Use Permit must be approved by the City.
24

1 If any final plat on all or a portion of the approved use permit is submitted five (5)
2 years or more after the approval of the use permit, the City may require that a new use permit
3 plan be submitted, pursuant to all the provisions of Section 26.31.015. A new use permit may
4 be required if the subdivision ordinance, the design standards, or the required improvements
5 have been amended by the City; and as a result, the use permit as originally approved does not
6 comply with the amended rules and regulations.

7 Before the approval of a final plat, the public streets, private roadway
8 improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities,
9 land preparation and grading, sediment and erosions control measures, storm water
10 detention/retention facilities, drainageway improvements, street lights, landscaping screens,
11 street trees, temporary turnaround and barricades, and street name signs, must be completed
12 or provisions (bond, escrow or security agreement) to guarantee completion must be approved
13 by the City Law Department. The improvements must be completed in conformance with
14 adopted design standards and within the time period specified in the Land Subdivision
15 Ordinance.

16 3. Before the approval of a final plat, the Permittee must enter into a Subdivision
17 Agreement with the City wherein Permittee as Subdivider agrees:

- 18 a. To complete the paving of private roadway, and temporary turnarounds
19 and barricades located at the temporary dead-end of the private
20 roadways shown on the final plat within two (2) years following the
21 approval of this final plat.
- 22 b. To complete the installation of sidewalks along both sides of W. Pemberly
23 Rd. as shown on the final plat within four (4) years following the approval
24 of the final plat.
- 25 c. To complete the public water distribution system to serve this plat within
26 two (2) years following the approval of the final plat.
- 27 d. To complete the public wastewater collection system to serve this plat
28 within two (2) years following the approval of the final plat.
- 29 e. To complete the enclosed public drainage facilities shown on the
30 approved drainage study to serve this plat within two (2) years following
31 the approval of this final plat.

- 1 f. To complete the enclosed private drainage facilities shown on the
2 approved drainage study to serve this plat within two (2) years following
3 the approval of the final plat.
- 4 g. To complete the installation of private street lights along streets within this
5 plat within two (2) years following the approval of the final plat.
- 6 h. To complete the planting of the street trees along W. Pemberly Lane
7 within this plat within four (4) years following the approval of the final plat.
- 8 i. To complete the planting of the street trees along W. Highland Blvd. and
9 NW 1st St. within this plat within two (2) years following approval of the
10 final plat.
- 11 j. To complete the planting of the landscape screen within this plat within
12 two (2) years following the approval of the final plat.
- 13 k. To complete the installation of the street name signs within two (2) years
14 following the approval of the final plat.
- 15 l. To complete the installation of the permanent markers prior to
16 construction on or conveyance of any lot in the plat.
- 17
- 18 m. To complete any other public or private improvement or facility required
19 by Chapter 26.23 (Development Standards) of the Land Subdivision
20 Ordinance in a timely manner which inadvertently may have been omitted
21 from the above list of required improvements.
- 22 n. To complete the public and private improvements shown on the Use
23 Permit.
- 24 o. To submit to the Director of Public Works a plan showing proposed
25 measures to control sedimentation and erosion and the proposed method
26 to temporarily stabilize all graded land for approval.
- 27 p. To retain ownership of and the right of entry to the outlots in order to
28 perform the above-described maintenance of the outlots and private
29 improvements on a permanent and continuous basis. However,
30 Subdivider may be relieved and discharged of such maintenance
31 obligations upon creating in writing a permanent and continuous
32 association of property owners who would be responsible for said
33 permanent and continuous maintenance subject to the following
34 conditions:
- 35 (1) Subdivider shall not be relieved of Subdivider's maintenance
36 obligation for each specific private improvement until a register
37 professional engineer or nurseryman who supervised the
38 installation of said private improvement has certified to the City
39 that the improvement has been installed in accordance with
40 approved plans.

- 1 (2) The maintenance agreements are incorporated into covenants
2 and restrictions in deeds to the subdivided property and the
3 documents creating the association and the restrictive covenants
4 have been reviewed and approved by the City Attorney and filed
5 of record with the Register of Deeds.
- 6 q. To maintain the outlots and private improvements on a permanent and
7 continuous basis.
- 8 r. To continuously and regularly maintain the street trees along the private
9 roadways and landscape screens.
- 10 s. To properly and continuously maintain and supervise the private facilities
11 which have common use or benefit, and to recognize that there may be
12 additional maintenance issues or costs associated with providing for the
13 proper functioning of storm water detention/retention facilities as they
14 were designed and constructed within the development, and that these
15 are the responsibility of the Subdivider.
- 16 t. To maintain the outlots and private improvements on a permanent and
17 continuous basis.
- 18 u. To maintain the street trees along the private roadways and landscape
19 screens on a permanent and continuous basis.
- 20 v. To submit to the lot buyers and home builders a copy of the soil analysis.
- 21 w. To comply with the provisions of the Land Preparation and Grading
22 requirements of the Land Subdivision Ordinance.
- 23 x. To relinquish the right of direct vehicular access from Outlot 'A' to NW 1st
24 St. and W. Highland Blvd. except as shown and from Lot 10, Block 2 to
25 W. Highland Blvd.
- 26 4. Before a final plat is approved:
- 27 a. The Permittee shall submit a revised site plan including five copies
28 showing the following revisions to the Planning Department office for
29 review and approval.
- 30 i. Change the 20' rear yard setback note to 25' for Lots 1-10, Block
31 2.
- 32 ii. Change the 30' rear yard setback note to 20' for Lots 1-8, Block 1.
- 33 iii. Delete Note 18 under General Notes. Administrative Amendment
34 #06049 deleted this note.
- 35 iv. Correct requested waiver #1.
- 36 b. Ornamental street lights for private roadways and pedestrian way
37 easements must be approved by L.E.S.

1 c. The construction plans must comply with the approved plans.

2 5. Before occupying the dwelling units and office buildings all development and
3 construction is to comply with the approved plans.

4 6. All privately-owned improvements, including landscaping are to be permanently
5 maintained by the owner or an appropriately established homeowners association approved by
6 the City.

7 7. The site plan accompanying this permit shall be the basis for all interpretations of
8 setbacks, yards, locations of buildings, location of parking and circulation elements, and similar
9 matters.

10 8. This resolution's terms, conditions, and requirements bind and obligate the
11 Permittee, its successors and assigns.

12 9. The applicant shall sign and return the letter of acceptance to the City Clerk
13 within 60 days following the approval of the special permit, provided, however, said 60-day
14 period may be extended up to six months by administrative amendment. The clerk shall file a
15 copy of the resolution approving the special permit and the letter of acceptance with the
16 Register of Deeds, filling fees therefor to be paid in advance by the applicant.

17 10. The site plan as approved with this resolution voids and supersedes all
18 previously approved site plans, however all resolutions approving previous permits remain in
19 force unless specifically amended by this resolution.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2006:

Mayor